

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)	Criminal Case No. 3:08cr00005-1
)	
)	<u>FINAL ORDER ADOPTING</u>
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
REYNOLD GEORGE SAMUELS.)	By: Norman K. Moon
)	United States District Judge

Reynold George Samuels brings this action under 28 U.S.C. § 2255, challenging his conviction and sentence for conspiracy to distribute Schedule I and II controlled substances and copyright infringement. Samuels alleges that counsel provided ineffective assistance on several grounds, including in failing to file an appeal upon Samuels' request. The United States filed a motion to dismiss, and by order entered January 29, 2010, the court referred the matter to United States Magistrate Judge Michael F. Urbanski for an evidentiary hearing to determine whether Samuels requested that his attorney file an appeal. The Magistrate Judge conducted an evidentiary hearing on June 30, 2010, and filed a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), finding that all of Samuels' claims were without merit and recommending Samuels' § 2255 motion be dismissed. Samuels filed objections essentially reiterating arguments made in his pleadings and at the evidentiary hearings. Having reviewed the Report and Recommendation, the objections thereto, and relevant portions of the record de novo, in accordance with 28 U.S.C. § 636(b)(1), the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation (Docket No. 291) is **ADOPTED** in its entirety, the government's motion to dismiss (Docket No. 274) is **GRANTED**, Samuels' § 2255 motion (Docket No. 265) is **DISMISSED**, and this case is **STRICKEN** from the active docket of the court.

The Clerk of Court is **DIRECTED** to send copies of this order to the parties.

ENTER: This 15th day of November, 2010.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE